

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1168

Introduced by Assembly Member Salas

February 27, 2015

An act to amend, repeal, and add Section ~~832~~ 832.3 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as amended, Salas. Peace officers: basic training requirements.

Existing law requires peace officers to complete ~~an introductory~~ *a basic* training course prescribed by the Commission on Peace Officer Standards and Training and to pass an examination developed by the commission. Existing law generally requires a person who does not become employed as a peace officer within 3 years of passing the examination, or who has a 3-year or longer break in service, to pass the examination before exercising the powers of a peace officer.

Under existing law, in certain counties, any deputy sheriff, who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her employment and for the purpose of carrying out the primary functions of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

This bill would, until January 1, 2019, exempt a custodial peace officer within the class specified above who is appointed as a peace officer

performing police functions from the requirement to retake the examination if he or she has been continuously employed as a custodial peace officer of that class for a period not exceeding 5 years by the agency making the ~~appointment~~. *appointment and maintains specified skills during that period.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 832.3 of the Penal Code is amended to
2 read:

3 832.3. (a) Except as provided in subdivision (e), any sheriff,
4 undersheriff, or deputy sheriff of a county, any police officer of a
5 city, and any police officer of a district authorized by statute to
6 maintain a police department, who is first employed after January
7 1, 1975, shall successfully complete a course of training prescribed
8 by the Commission on Peace Officer Standards and Training before
9 exercising the powers of a peace officer, except while participating
10 as a trainee in a supervised field training program approved by the
11 Commission on Peace Officer Standards and Training. Each police
12 chief, or any other person in charge of a local law enforcement
13 agency, appointed on or after January 1, 1999, as a condition of
14 continued employment, shall complete the course of training
15 pursuant to this subdivision within two years of appointment. The
16 training course for a sheriff, an undersheriff, and a deputy sheriff
17 of a county, and a police chief and a police officer of a city or any
18 other local law enforcement agency, shall be the same.

19 (b) For the purpose of ensuring competent peace officers and
20 standardizing the training required in subdivision (a), the
21 commission shall develop a testing program, including standardized
22 tests that enable (1) comparisons between presenters of the training
23 and (2) assessments of trainee achievement. The trainees' test
24 scores shall be used only for the purposes enumerated in this
25 subdivision and those research purposes as shall be approved in
26 advance by the commission. The commission shall take all steps
27 necessary to maintain the confidentiality of the test scores, test
28 items, scoring keys, and other examination data used in the testing
29 program required by this subdivision. The commission shall
30 determine the minimum passing score for each test and the

1 conditions for retesting students who fail. Passing these tests shall
2 be required for successful completion of the training required in
3 subdivision (a). Presenters approved by the commission to provide
4 the training required in subdivision (a) shall administer the
5 standardized tests or, at the commission's option, shall facilitate
6 the commission's administration of the standardized tests to all
7 trainees.

8 (c) Notwithstanding subdivision (c) of Section 84500 of the
9 Education Code and any regulations adopted pursuant thereto,
10 community colleges may give preference in enrollment to
11 employed law enforcement trainees who shall complete training
12 as prescribed by this section. At least 15 percent of each
13 presentation shall consist of nonlaw enforcement trainees if they
14 are available. Preference should only be given when the trainee
15 could not complete the course within the time required by statute,
16 and only when no other training program is reasonably available.
17 Average daily attendance for these courses shall be reported for
18 state aid.

19 (d) Prior to July 1, 1987, the commission shall make a report
20 to the Legislature on academy proficiency testing scores. This
21 report shall include an evaluation of the correlation between
22 academy proficiency test scores and performance as a peace officer.

23 (e) (1) Any deputy sheriff described in subdivision (c) of
24 Section 830.1 shall be exempt from the training requirements
25 specified in subdivisions (a) and (b) as long as his or her
26 assignments remain custodial related.

27 (2) Deputy sheriffs described in subdivision (c) of Section 830.1
28 shall complete the training for peace officers pursuant to
29 subdivision (a) of Section 832, and within 120 days after the date
30 of employment, shall complete the training required by the ~~Board~~
31 ~~of Corrections~~ *Board of State and Community Corrections* for
32 custodial personnel pursuant to Section 6035, and the training
33 required for custodial personnel of local detention facilities
34 pursuant to Division 1 (commencing with Section 100) of Title 15
35 of the California Code of Regulations.

36 (3) Deputy sheriffs described in subdivision (c) of Section 830.1
37 shall complete the course of training pursuant to subdivision (a)
38 prior to being reassigned from custodial assignments to duties with
39 responsibility for the prevention and detection of crime and the
40 general enforcement of the criminal laws of this state. *A deputy*

1 *sheriff who has completed the course of training pursuant to*
2 *subdivision (a) and has been hired as a deputy sheriff described*
3 *in subdivision (c) of Section 830.1 shall be eligible to be reassigned*
4 *from custodial assignments to duties with the responsibility for*
5 *the prevention and detection of crime and the general enforcement*
6 *of the criminal laws of this state within three years of completing*
7 *the training pursuant to subdivision (a). A deputy sheriff shall be*
8 *eligible for reassignment within five years of having completed*
9 *the training pursuant to subdivision (a) without having to complete*
10 *a requalification for the regular basic course provided that all of*
11 *the following are satisfied:*

12 (A) *The deputy sheriff remains continuously employed by the*
13 *same department in which the deputy sheriff is being reassigned*
14 *from custodial assignments to duties with the responsibility for*
15 *the prevention and detection of crime and the general enforcement*
16 *of the criminal laws of this state.*

17 (B) *The deputy sheriff maintains the perishable skills training*
18 *required by the commission for peace officers assigned to duties*
19 *with the responsibility for the prevention and detection of crime*
20 *and the general enforcement of the criminal laws of this state.*

21 (f) Any school police officer first employed by a K-12 public
22 school district or California Community College district after July
23 1, 1999, shall successfully complete a basic course of training as
24 prescribed by subdivision (a) before exercising the powers of a
25 peace officer. A school police officer shall not be subject to this
26 subdivision while participating as a trainee in a supervised field
27 training program approved by the Commission on Peace Officer
28 Standards and Training.

29 (g) The commission shall prepare a specialized course of
30 instruction for the training of school peace officers, as defined in
31 Section 830.32, to meet the unique safety needs of a school
32 environment. This course is intended to supplement any other
33 training requirements.

34 (h) Any school peace officer first employed by a K-12 public
35 school district or California Community College district before
36 July 1, 1999, shall successfully complete the specialized course
37 of training prescribed in subdivision (g) no later than July 1, 2002.
38 Any school police officer first employed by a K-12 public school
39 district or California Community College district after July 1, 1999,
40 shall successfully complete the specialized course of training

1 prescribed in subdivision (g) within two years of the date of first
2 employment.

3 *(i) This section shall remain in effect only until January 1, 2019,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2019, deletes or extends that date.*

6 SEC. 2. Section 832.3 is added to the Penal Code, to read:

7 832.3. (a) Except as provided in subdivision (e), any sheriff,
8 undersheriff, or deputy sheriff of a county, any police officer of a
9 city, and any police officer of a district authorized by statute to
10 maintain a police department, who is first employed after January
11 1, 1975, shall successfully complete a course of training prescribed
12 by the Commission on Peace Officer Standards and Training before
13 exercising the powers of a peace officer, except while participating
14 as a trainee in a supervised field training program approved by
15 the Commission on Peace Officer Standards and Training. Each
16 police chief, or any other person in charge of a local law
17 enforcement agency, appointed on or after January 1, 1999, as a
18 condition of continued employment, shall complete the course of
19 training pursuant to this subdivision within two years of
20 appointment. The training course for a sheriff, an undersheriff,
21 and a deputy sheriff of a county, and a police chief and a police
22 officer of a city or any other local law enforcement agency, shall
23 be the same.

24 (b) For the purpose of ensuring competent peace officers and
25 standardizing the training required in subdivision (a), the
26 commission shall develop a testing program, including
27 standardized tests that enable (1) comparisons between presenters
28 of the training and (2) assessments of trainee achievement. The
29 trainees' test scores shall be used only for the purposes enumerated
30 in this subdivision and those research purposes as shall be
31 approved in advance by the commission. The commission shall
32 take all steps necessary to maintain the confidentiality of the test
33 scores, test items, scoring keys, and other examination data used
34 in the testing program required by this subdivision. The commission
35 shall determine the minimum passing score for each test and the
36 conditions for retesting students who fail. Passing these tests shall
37 be required for successful completion of the training required in
38 subdivision (a). Presenters approved by the commission to provide
39 the training required in subdivision (a) shall administer the
40 standardized tests or, at the commission's option, shall facilitate

1 *the commission's administration of the standardized tests to all*
2 *trainees.*

3 *(c) Notwithstanding subdivision (c) of Section 84500 of the*
4 *Education Code and any regulations adopted pursuant thereto,*
5 *community colleges may give preference in enrollment to employed*
6 *law enforcement trainees who shall complete training as prescribed*
7 *by this section. At least 15 percent of each presentation shall*
8 *consist of nonlaw enforcement trainees if they are available.*
9 *Preference should only be given when the trainee could not*
10 *complete the course within the time required by statute, and only*
11 *when no other training program is reasonably available. Average*
12 *daily attendance for these courses shall be reported for state aid.*

13 *(d) Prior to July 1, 1987, the commission shall make a report*
14 *to the Legislature on academy proficiency testing scores. This*
15 *report shall include an evaluation of the correlation between*
16 *academy proficiency test scores and performance as a peace*
17 *officer.*

18 *(e) (1) Any deputy sheriff described in subdivision (c) of Section*
19 *830.1 shall be exempt from the training requirements specified in*
20 *subdivisions (a) and (b) as long as his or her assignments remain*
21 *custodial related.*

22 *(2) Deputy sheriffs described in subdivision (c) of Section 830.1*
23 *shall complete the training for peace officers pursuant to*
24 *subdivision (a) of Section 832, and within 120 days after the date*
25 *of employment, shall complete the training required by the Board*
26 *of State and Community Corrections for custodial personnel*
27 *pursuant to Section 6035, and the training required for custodial*
28 *personnel of local detention facilities pursuant to Division 1*
29 *(commencing with Section 100) of Title 15 of the California Code*
30 *of Regulations.*

31 *(3) Deputy sheriffs described in subdivision (c) of Section 830.1*
32 *shall complete the course of training pursuant to subdivision (a)*
33 *prior to being reassigned from custodial assignments to duties*
34 *with responsibility for the prevention and detection of crime and*
35 *the general enforcement of the criminal laws of this state.*

36 *(f) Any school police officer first employed by a K-12 public*
37 *school district or California Community College district after July*
38 *1, 1999, shall successfully complete a basic course of training as*
39 *prescribed by subdivision (a) before exercising the powers of a*
40 *peace officer. A school police officer shall not be subject to this*

1 *subdivision while participating as a trainee in a supervised field*
2 *training program approved by the Commission on Peace Officer*
3 *Standards and Training.*

4 *(g) The commission shall prepare a specialized course of*
5 *instruction for the training of school peace officers, as defined in*
6 *Section 830.32, to meet the unique safety needs of a school*
7 *environment. This course is intended to supplement any other*
8 *training requirements.*

9 *(h) Any school peace officer first employed by a K-12 public*
10 *school district or California Community College district before*
11 *July 1, 1999, shall successfully complete the specialized course of*
12 *training prescribed in subdivision (g) no later than July 1, 2002.*
13 *Any school police officer first employed by a K-12 public school*
14 *district or California Community College district after July 1,*
15 *1999, shall successfully complete the specialized course of training*
16 *prescribed in subdivision (g) within two years of the date of first*
17 *employment.*

18 *(i) This section shall become operative January 1, 2019.*

19 ~~SECTION 1. Section 832 of the Penal Code is amended to~~
20 ~~read:~~

21 ~~832. (a) Every person described in this chapter as a peace~~
22 ~~officer shall satisfactorily complete an introductory training course~~
23 ~~prescribed by the Commission on Peace Officer Standards and~~
24 ~~Training. On or after July 1, 1989, satisfactory completion of the~~
25 ~~course shall be demonstrated by passage of an appropriate~~
26 ~~examination developed or approved by the commission. Training~~
27 ~~in the carrying and use of firearms shall not be required of a peace~~
28 ~~officer whose employing agency prohibits the use of firearms.~~

29 ~~(b) (1) Every peace officer described in this chapter, prior to~~
30 ~~the exercise of the powers of a peace officer, shall have~~
31 ~~satisfactorily completed the training course described in subdivision~~
32 ~~(a).~~

33 ~~(2) Every peace officer described in Section 13510 or in~~
34 ~~subdivision (a) of Section 830.2 may satisfactorily complete the~~
35 ~~training required by this section as part of the training prescribed~~
36 ~~pursuant to Section 13510.~~

37 ~~(c) Persons described in this chapter as peace officers who have~~
38 ~~not satisfactorily completed the course described in subdivision~~
39 ~~(a), as specified in subdivision (b), shall not have the powers of a~~
40 ~~peace officer until they satisfactorily complete the course.~~

~~(d) A peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training is exempted from this section.~~

~~(e) (1) A person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for a person described in paragraph (2).~~

~~(2) The requirement in paragraph (1) does not apply to a person who meets any of the following requirements:~~

~~(A) Is returning to a management position that is at the second level of supervision or higher.~~

~~(B) Has successfully requalified for a basic course through the Commission on Peace Officer Standards and Training.~~

~~(C) Has maintained proficiency through teaching the course described in subdivision (a).~~

~~(D) During the break in California service, was continuously employed as a peace officer in another state or at the federal level.~~

~~(E) Has previously met the requirements of subdivision (a), has been appointed as a peace officer under subdivision (e) of Section 830.1, and has been continuously employed as a custodial officer as defined in Section 831 or 831.5 by the agency making the peace officer appointment since completing the training prescribed in subdivision (a).~~

~~(F) Has previously met the requirements of subdivision (a), is being appointed as a peace officer under subdivision (a) of Section 830.1, and has been continuously employed as a peace officer as defined in subdivision (e) of Section 830.1 for a period not exceeding five years by the agency making the peace officer appointment since completing the training prescribed in subdivision (a).~~

~~(f) The commission may charge appropriate fees for the examination required by subdivision (e), not to exceed actual costs.~~

~~(g) Notwithstanding any other law, the commission may charge appropriate fees for the examination required by subdivision (a) to each applicant who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by, or~~

1 under consideration for employment by, a state or local agency,
2 department, or district, or is not a custodial officer as defined in
3 Sections 831 and 831.5. The fees shall not exceed actual costs.

4 (h) A probation department that is a certified provider of the
5 training course described in this section shall not be required to
6 offer the course to the general public.

7 (i) This section shall remain in effect only until January 1, 2019,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2019, deletes or extends that date.

10 SEC. 2. Section 832 is added to the Penal Code, to read:

11 832. (a) Every person described in this chapter as a peace
12 officer shall satisfactorily complete an introductory training course
13 prescribed by the Commission on Peace Officer Standards and
14 Training. On or after July 1, 1989, satisfactory completion of the
15 course shall be demonstrated by passage of an appropriate
16 examination developed or approved by the commission. Training
17 in the carrying and use of firearms shall not be required of a peace
18 officer whose employing agency prohibits the use of firearms.

19 (b) (1) Every peace officer described in this chapter, prior to
20 the exercise of the powers of a peace officer, shall have
21 satisfactorily completed the training course described in subdivision
22 (a).

23 (2) Every peace officer described in Section 13510 or in
24 subdivision (a) of Section 830.2 may satisfactorily complete the
25 training required by this section as part of the training prescribed
26 pursuant to Section 13510.

27 (c) Persons described in this chapter as peace officers who have
28 not satisfactorily completed the course described in subdivision
29 (a), as specified in subdivision (b), shall not have the powers of a
30 peace officer until they satisfactorily complete the course.

31 (d) A peace officer who, on March 4, 1972, possesses or is
32 qualified to possess the basic certificate as awarded by the
33 Commission on Peace Officer Standards and Training is exempted
34 from this section.

35 (e) (1) A person completing the training described in
36 subdivision (a) who does not become employed as a peace officer
37 within three years from the date of passing the examination
38 described in subdivision (a), or who has a three-year or longer
39 break in service as a peace officer, shall pass the examination

1 described in subdivision (a) prior to the exercise of the powers of
2 a peace officer, except for a person described in paragraph (2):

3 (2) ~~The requirement in paragraph (1) does not apply to a person~~
4 ~~who meets any of the following requirements:~~

5 (A) ~~Is returning to a management position that is at the second~~
6 ~~level of supervision or higher.~~

7 (B) ~~Has successfully requalified for a basic course through the~~
8 ~~Commission on Peace Officer Standards and Training.~~

9 (C) ~~Has maintained proficiency through teaching the course~~
10 ~~described in subdivision (a).~~

11 (D) ~~During the break in California service, was continuously~~
12 ~~employed as a peace officer in another state or at the federal level.~~

13 (E) ~~Has previously met the requirements of subdivision (a), has~~
14 ~~been appointed as a peace officer under subdivision (c) of Section~~
15 ~~830.1, and has been continuously employed as a custodial officer~~
16 ~~as defined in Section 831 or 831.5 by the agency making the peace~~
17 ~~officer appointment since completing the training prescribed in~~
18 ~~subdivision (a).~~

19 (f) ~~The commission may charge appropriate fees for the~~
20 ~~examination required by subdivision (e), not to exceed actual costs.~~

21 (g) ~~Notwithstanding any other law, the commission may charge~~
22 ~~appropriate fees for the examination required by subdivision (a)~~
23 ~~to each applicant who is not sponsored by a local or other law~~
24 ~~enforcement agency, or is not a peace officer employed by, or~~
25 ~~under consideration for employment by, a state or local agency,~~
26 ~~department, or district, or is not a custodial officer as defined in~~
27 ~~Sections 831 and 831.5. The fees shall not exceed actual costs.~~

28 (h) ~~A probation department that is a certified provider of the~~
29 ~~training course described in this section shall not be required to~~
30 ~~offer the course to the general public.~~

31 (i) ~~This section shall become operative January 1, 2019.~~